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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,611	05/31/2001	Scott J. Broussard	AUS920010269US1	1777

35617 7590 10/05/2004

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EXAMINER

BONSHOCK, DENNIS G

ART UNIT PAPER NUMBER

2173

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/870,611

Applicant(s)

BROUSSARD, SCOTT J.

Examiner

Dennis G. Bonshock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment A as received on 5-10-04.
2. Claims 1-9, 20, and 21 have been examined.

#### **Status of Claims:**

Claims 1-9, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Nason, patent #6,727,918.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: the claim states the use of a "uimanager" , it is believed the applicant meant a "UI manager". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Nason, patent #6,727,918.

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6. With regard to claim 1, Nason teaches a display system, comprising: a display (see column 5, lines 33-44), a processor (see column 12, lines 39-45), and an application program interface coupled to the display (see column 7, lines 5-10). With regard to claim 1, further teaching a uimanager containing code which, when executed by the processor generates either a default image or an image the is user defined, Nason teaches, in column 5, lines 45-63, the system being capable of using multiple user interfaces one which may be dependent on the native operating system (such an image can be user defined) and one which may be independent of the native operating system (such as a default image). With regard to claim 1, further teaching a first pointer which points to the code for generating the default image with a first look and feel during a first time in which a first application program is executed by the application program, Nason teaches, in column 5, lines 18-63, software (code) capable of generating an image, which is independent of the native operating system, when an application program is executed. With regard to claim 1, further teaching a second pointer which points to the code for generating the user-defined image with a second look and feel during a second time in which the application program is executed by the application program, Nason teaches, in column 5, lines 18-63, software (code) capable of generating an image, which is dependent on the native operating system, when an application program is executed.

7. With regard to claim 2, which teaches the default image being generated during the first time in which the API is independent of the code in the OS, Nason teaches, in

column 5, lines 52-63, generating an image using an API that is independent of code in the operating system.

8. With regard to claim 3, which teaches the user defined (custom to the system) image being generated during the first time, in which the application program interface is dependent of code within an operating system software, Nason teaches, in column 5, lines 52-63, generating an image using an API that is dependent on code in the operating system.

9. With regard to claim 4, which teaches a second application program, in which a software component can be evoked by either of the application programs, but may differ in it's look and feel, Nason teaches, in column 5, lines 18-63, a system in which different APIs can be used by different application programs simultaneously in a system for displaying data in formats different from one another.

10. With regard to claim 5, which teaches the application program running under an operating system and the look and feel of the displayed object being substantially independent of the operating system, Nason teaches, in column 5, lines 52-63, Nason teaches, in column 5, lines 52-63, generating an image using an API that is independent of code in the operating system.

11. With regard to claim 6, which teaches the object being part of a graphical user interface associated with the application program, Nason teaches, in column 5, lines 14-22, associating a GUI with the application programs.

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12. With regard to claim 7, which teaches the application program being written in Java programming language, Nason further teaches, in column 5, lines 60-63, the use of Java programming language.

13. With regard to claim 8, which teaches the software component containing an instruction sequence to implement the specific look-and-feel of the displayed object, wherein said instruction sequence is executed only in response to the application program, Nason further teaches, in column 2, lines 40-46, associating a particular appearance to an application program.

14. With regard to claim 9, which teaches the operating system comprising a computer operating system such as Windows, Unix, or OS/2, Nason further teaches, in column 2, lines 45-50, the system being implemented with operating systems such as Windows, Linux, Apple's Macintosh OS/2, or UNIX.

15. With regard to claim 20, Nason teaches a computer-readable storage device comprising: a Windows based operating system (see column 6, lines 9-13) and an application program running under the operating system (see column 5, lines 28-31).

With regard to claim 20, displaying a graphical representation of objects created by the application program with a first characteristic appearance and behavior, Nason teaches, in column 5, lines 18-63, software (code) capable of generating an image, which is independent of the native operating system, when an application program is executed.

With regard to claim 20, displaying a graphical representation of objects created by a second application program with a second characteristic appearance and behavior, distinct from the first, Nason teaches, in column 5, lines 18-63, software (code) capable

of generating an image, which is dependent on the native operating system, when an application program is executed.

16. With regard to claim 21, which teaches the first characteristic appearance and behavior being substantially that of the OS/2 operating system, Nason teaches, in column 2, lines 40-50, the appearances coming from different API where the native system can use any utility operating system (Apple's Macintosh OS is one of the examples).

### ***Response to Arguments***

17. The arguments filed on 5-10-04 have been fully considered but they are not persuasive. Reasons set forth below.

18. The applicants' argue that Lewallen is not available as prior art under 35 U.S.C. 103.

19. In response, the examiner respectfully submits that the applicant's argument is valid and the use of Lewallen in the rejection will be removed.

### ***Conclusion***

20. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems for using multiple APIs in the same application program.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571)


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272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9-27-04  
dgb

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
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